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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,356

05/05/2006

Andreas Schrade

R.306806

8986

2119 7590 09/03/2008
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EXAMINER

BASTIANELLI, JOHN

ART UNIT

PAPER NUMBER

3753

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,356	Applicant(s) SCHRADE, ANDREAS	
	Examiner John Bastianelli	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph [0017], line 3, after “actuating element”, “6” should be --5--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Voss et al. WO 0100473 A1 (US 6,644,623 used for translation) as evidenced by Gibas et al. US 5,402,093.

Voss discloses a valve for controlling fluids having a closing element 9 for closing and opening an opening, a restoring element 8 for restoring the closing element to its outset (start) position, a movably disposed armature 13 which is movable by means of an armature coil (inherent), and a multifunctional component 3 and 7 which includes the function of a valve body and the function of a throttle component in a single component (rigidly connected so is a single component). The multifunctional component has the function of a check valve 10. The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product

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does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113).

Gibas discloses both powder metallurgy processes and sintering in order to manufacture components. The valve is used in a hydraulic system in a vehicle and in a brake system.

4. Claims 7, 9, 11, 13, 15, 17, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer DE 19910207 A1 (US 6,637,724 used for translation) as evidenced by Gibas et al. US 5,402,093.

Mayer discloses a valve for controlling fluids having a closing element 10 for closing and opening an opening, a restoring element 17 for restoring the closing element to its outset (start) position, a movably disposed armature 9 which is movable by means of an armature coil 35, and a multifunctional component 8 which includes the function of a valve body and the function of a throttle component in a single component. The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Gibas discloses both powder metallurgy processes and sintering in order to manufacture components. The valve is used in a hydraulic system in a vehicle and in a brake system.

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5. Claims 7, 9, 11, 13, 15, 17, 19, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Linkner, Jr. et al. US 6,345,870 as evidenced by Gibas et al. US 5,402,093.

Linkner discloses a valve for controlling fluids having a closing element 50 for closing and opening an opening, a restoring element 90 for restoring the closing element to its outset (start) position, a movably disposed armature 40 which is movable by means of an armature coil 104, and a multifunctional component 80 which includes the function of a valve body and the function of a throttle component in a single component. The multifunctional component being produced by powder metallurgy processes or sintering is product by process. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product in the prior art, the claim is unpatentable even though the prior product was made by a different process (see MPEP 2113). Gibas discloses both powder metallurgy processes and sintering in order to manufacture components. The valve is used in a hydraulic system in a vehicle and in a brake system.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 8, 10, 12, 14, 16, 18, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer DE 19910207 A1 (US 6,637,724 used for translation) in view of Voss et al. WO 0100473 A1 (US 6,644,623 used for translation) as evidenced by Gibas et al. US 5,402,093.

Mayer lacks the multifunctional component having the function of a check valve. Voss discloses a multifunctional component having the function of a check valve 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the valve biased open and the multifunctional component of Mayer having the function of a check valve as disclosed by Voss as Voss discloses the equivalency of either making the valve biased closed (Mayer and Voss Figs. 2a-d) or biased open with a check valve (Voss Figs. 1a-1e). Gibas discloses both powder metallurgy processes and sintering in order to manufacture components. The valve is used in a hydraulic system in a vehicle and in a brake system.

8. Claims 8, 10, 12, 14, 16, 18, 20, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linkner, Jr. et al. US 6,345,870 in view of Voss et al. WO 0100473 A1 (US 6,644,623 used for translation) as evidenced by Gibas et al. US 5,402,093.

Linkner lacks the multifunctional component having the function of a check valve. Voss discloses a multifunctional component having the function of a check valve 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the valve biased open and the multifunctional component of Linkner having the function of a check valve as disclosed by Voss in order to insure that no fluid

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leaks past the valve in the non-return direction. Gibas discloses both powder metallurgy processes and sintering in order to manufacture components. The valve is used in a hydraulic system in a vehicle and in a brake system.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Obersteiner, Volz, and Goosens disclose valves having multifunctional components with the function of a valve body, throttle and check valve in a single component. Oyama discloses the processes of powder metallurgy and sintering to produce a component.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-Th (8-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Bastianelli
Primary Examiner
Art Unit 3753

/John Bastianelli/
Primary Examiner, Art Unit 3753